

**UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF MISSOURI
EASTERN DIVISION**

ROBERT L. WHITTAKER,

Plaintiff,

v.

SUSAN UNKNOWN,

Defendant.

No. 4:21-CV-549 SRW

MEMORANDUM AND ORDER

Before the Court is plaintiff's motion for leave to file an amended complaint. In his motion plaintiff asserts that he has found, through investigation, the proper name of defendant Dr. Susan Unknown. Plaintiff claims that defendant's proper name is Dr. Sharon Owens and that she is an employee of Corizon, Inc.

The Court will decline to file plaintiff's document as an amended complaint, as it contains claims and parties previously dismissed by this Court on November 17, 2021. *See* Docket Nos. 16 and 17. Instead, the Court will treat plaintiff's filing as a motion to substitute party. To the extent plaintiff is seeking to substitute Dr. Sharon Owens for Dr. Susan Unknown in this action, his motion will be granted. The Court will also grant plaintiff's request to reissue summons in the proper party's name.

Accordingly,

IT IS HEREBY ORDERED that plaintiff's motion to file an amended complaint [ECF No. 20] is **DENIED**, without prejudice.

IT IS FURTHER ORDERED that plaintiff's request to substitute parties [ECF NO. 20] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall substitute Dr. Sharon Owens for Dr. Susan Unknown in this action.

IT IS FURTHER ORDERED that plaintiff's request to issue summons for defendant Dr. Sharon Owens, an employee of Corizon, Inc., in this action [ECF No. 20] is **GRANTED**.

IT IS FURTHER ORDERED that the Clerk shall send a copy of the amended complaint [ECF No. 15] and summons for defendant Dr. Sharon Owens, so plaintiff may effectuate service of process on Dr. Sharon Owens, an employee of Corizon, Inc.

IT IS FURTHER ORDERED that plaintiff shall cause service to be effectuated upon defendant Dr. Sharon Owens no later than February 15, 2022.

IT IS FURTHER ORDERED that in the absence of good cause shown, the failure to timely serve Dr. Sharon Owens with summons and the amended complaint by February 15, 2022, will result in a dismissal of plaintiff amended complaint, without prejudice.

Dated this 3rd day of December, 2021.

/s/ **Stephen R. Welby**

STEPHEN R. WELBY

UNITED STATES MAGISTRATE JUDGE